

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM
VILLAGE HALL ON SEPTEMBER 30, 2009**

Members Present: William Hoffman, Acting Chairman
Robert Mackie
Chet Morton
George Boyle
Mitchell J. Baker

Also Present: Marianne Stecich, Village Counsel
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Hilary Chenel & Brenda Livingston, Alternate
Planning Board Members
Robert Citarell, ECB Member
Applicants and other persons mentioned in these Minutes.

**Matters
Considered:**

09-10 – Raja Chris & Savita Durgata – 60 Hudson Avenue
Sht. 10B, Bl. 230, Lot 22C
09-12 – Neil Lipinski & Joanne Pappas – 34 S. Cottenet Street
Sht. 4, Bl. 206, Lot 15
09-14 – NCA Technology Inc. - 150 Cedarlawn Road
Sht. 10, P-71A2A
09-16 – Sara Kelsey – 36 Maple Street
Sht. 7A, Bl. 231, Lot 31
09-17 – Iris & Craig Schaefer – 47 Kingsley Close
Sht. 12B, P-23
09-18 – Thomas & Barbara Wright – 84 Station Road
Sht. 7, P-95
09-19 – Simun Luburic – 36 Riverview Road
Sht. 10A, Bl. 226, Lot 12

Not Heard: **09-04 – Joe Vari – 129 Rutter DuBois Lane**
Sht. 10G, P-129
09-11 – Uri & Haya Adner – 2 El Retiro Lane
Sht. 7, P-95A
09-20 – Renato Rancic – 33 Matthiessen Park
Sht. 2, P-109P12

The meeting was called to order at 7:07 P.M.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicant submitted evidence of Notice to Affected Property Owners.

REVIEW OF APPLICATIONS:

IPB Matter #2009-16:

**Application of Sara Kelsey for Site Development Plan
Approval for property at 36 Maple Street.**

Proposal: The applicant is proposing to construct renovations and a deck at an existing residence.

Representative: Niall Cain, Architect

Plans: Letter from Niall Cain (no date) and Plan entitled Kelsey Renovation dated August 7, 2009 revised September 8, 2009 (sheet S-1).

Discussion: The applicants must go to the Zoning Board of Appeals for a side yard and coverage variance.

Comments from the Public: None

Board Action: It was determined that the applicants would go to the ZBA for the variances and were instructed to come back to discuss the issues which were raised by the Environmental Conservation Board (material stockpiling/storage).

IPB Matter #2009-14:

**Application of NCA Technology Inc. for Site
Capacity Determination for property at
150 Cedarlawn Road.**

Proposal: The applicant is requesting a determination of Site Capacity.

Representative: Anna Harding, Officer of NCA Technology

Plans: Document (no date – no author) describing additional information requested by the Planning Board including attachments and maps.

Discussion: Chairman Hoffman recused himself when matter “2009-14” was considered as he lives adjacent to the subject property. Then Member Mackie acted as the chair with Hilary Chenel, as alternate Planning Board member. The two issues presented in this proposed subdivision were steep slopes and unique topographical fixtures. It was also determined that the pond is not an issue since it is not there all year.

Comments from Public: None

Board Action: It was determined that the Planning Board would have a site walk on October 18, and to properly assess the situation.

IPB Matter #2009-18:

Application of Thomas & Barbara Wright for Site Development Plan Approval for property at 84 Station Road.

Proposal: The applicant is proposing to construct additions and renovations to an existing residence with no change in the structure footprint.

Representative: Earl Everett Ferguson, RA

Plans: 1. Letter from Earl Everett Ferguson RA to the Planning Board dated September 16, 2009 and revised application materials. 2. Letter from Earl Everett Ferguson RA to the Zoning Board dated September 8, 2009, 3. Plan entitled Wright Residence by Earl Everett Ferguson RA dated July 23, 2009 revised September 16, 2009 (thirteen sheets).

Discussion: A public hearing was opened and closed. The Chairman noted the September 23, 2009 letter from the ZBA (ZBA #2009-17) granting a variance from the provisions of Sec. 224-34 (exceeds allowable stories).

Comments from Public: None

Board Action: Upon motion duly made and seconded the Board approved the Site Development Plan 5-0.

IPB Matter #2009-12:

Application of Neil Lipinski & Joanne Pappas for Site Development Plan Approval for property at 34 South Cottenet Street.

Proposal: The applicant is proposing to renovate an existing garage and construct new stairs and landing at the rear of an existing non-conforming residence.

Representative: Matthew Behrens, Architect

Plans: Letter from Matthew Behrens, R.A. dated September 16, 2009 and Plan entitled Lipinski/Pappas Residence by Matthew Behrens, R.A. (three sheets).

Discussion: A public hearing was opened and closed. The Chairman noted the September 23, 2009 letter from the ZBA (ZBA #2009-14) granting variances from Sec. 224-13 (coverage), 224-11 (setbacks) and 224-136 (FAR). The fence was moved allowing the driveway to conform.

Comments from Public: None

Board Action: Upon a motion made, it was approved by a vote of 5-0 subject to ask for a determination by the Zoning Board of Appeals as to the meaning of the phrase (living spaces) as an accessory use in a garage. On October 28, the ZBA voted to interpret Code 224-8 that this conversion of a garage into a study does not fit within one of the accessory uses listed (ZBA #09-19).

IPB Matter #2009-10:

Application of Raja Chris & Savita Durgata for Site Development Plan Approval for property at 60 Hudson Avenue.

Proposal: The applicant is proposing to construct 12' x 13' two-story addition to an existing dwelling.

Representative: Susan M. Riordan, AIA

Plans: 1. Letter from Susan M. Riordan AIA dated September 15, 2009, 2. Irvington Planning Board Application for Site Development Plan Approval dated June 16, 2009 resubmitted July 22, 2009 and September 15, 2009 with related materials, 3. Plan entitled Savita Durgata & Raja Chris Residence dated May 28, 2009 updated July 21, 2009 revised September 15, 2009 by Susan M. Riordan, AIA (four sheets double sided).

Discussion: The Environmental Conservation Board expressed concerns regarding tree protection and excavated materials. It was determined that variances were needed for the FAR and coverage issues. The matter was sent to the Zoning Board of Appeals for the necessary variances.

Comments from Public: The Chairman read a letter from neighbor Mary Ruffler with concerns about the scale of the project.

Board Action: The Board members determined to review the site and that the scale issue would be raised at an ensuing meeting.

IPB Matter #2009-19:

Application of Simun Luburic for Site Development Plan Approval for property at 36 Riverview Road.

Proposal: The applicant is proposing to construct a new single family residence.

Representative: Steven Bisani, Petruccelli Engineering

Plans: 1. Letter from Petruccelli Engineering dated September 11, 2009, 2. Survey of property by Ward Carpenter Engineers, Inc. dated March 29, 2006, 3. Plan entitled Proposed Site Plan for Mr. Simun Luburic by Petruccelli Engineering revised September 8, 2009 (three sheets), 4. Plan entitled Proposed Residence for Mr. Simun Luburic by Petruccelli Engineering revised September 8, 2009 (three sheets).

Discussion: The Board was advised that the ZBA approved the site capacity variance but denied the height variance. The reduced height was now 35 feet. After much discussion regarding certain aspects of the plans and the issues of changing certain windows, the size of boulders placed on the property, and the types of plantings, it was determined that the matter would go to the Architectural Review Board. There was also discussion regarding certain deed instructions which would be placed against the property and that counsel would work on such matters. The ECB disagreed with the planting plan and will be resolved in discussion with Mr. Gilliland.

Comments from Public: None

Board Action: The matter was carried over to the November meeting.

IPB Matter #2009-17:

**Application of Iris & Craig Schaefer for Waiver of
Site Development Plan Approval for property at
47 Kingsley Close.**

Proposal: The applicant is proposing to construct a second story addition over an existing garage, install an elevator and renovations for an existing residence. The table of Dimensional Requirements states that a variance is required.

Representative: William R. Spade, AIA

Plans: Survey revised May 15, 1998, Site Plan (Lot 23) Legend Hollow by Spectrum Group Design Collaborative dated March 24, 1999, Plans entitled New Elevator and Renovations to 47 Kingsley Close by William R. Spade, RA dated August 17, 2009 (five sheets).

Discussion: Mr. Spade submitted pictures of the space regarding the dormers which were approved by the ZBA (ZBA #2009-15). The applicant agreed that they would change the garage doors.

Comments from Public: None

Board Action: The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval.

OTHER BUSINESS:

- Minutes of the Planning Board held on September 2, 2009 previously distributed, were, on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for November 4, 2009.

There being no further business, the meeting was adjourned at 8:50 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MB', is written over a horizontal line.

Mitchell Baker, Acting Secretary